United Nations ECE/TRANS/SC.3/WP.3/2017/21

Economic and Social Council

Distr.: General
17 May 2017

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Inland Water Transport

Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation

Fifty-first session
Geneva, 14-16 June 2017
Item 8(b) of the provisional agenda
Recreational navigation: International Certificate for Operators of Pleasure Craft (Resolution No. 40, fourth revision) and the Guidelines to Resolution No. 40

Amendments to the Guidelines to Resolution No. 40, International Certificate for Operators of Pleasure Craft

Submitted by European Boating Association

I. Mandate

1. This document is submitted in line with Cluster 5: Inland Waterway Transport, para. 5.1 of the programme of work 2016-2017 (ECE/TRANS/2016/28/Add.1) adopted by the Inland Transport Committee at its seventy-eighth session on 26 February 2016.

2. During the workshop "Recreational navigation and water tourism: Prospects and challenges" held at its sixtieth session, the Working Party on Inland Water Transport (SC.3) held the roundtable discussions on the application of Resolution No. 40 arisen from Administrations and skippers from both the UNECE region and outside it (Informal document SC.3 No. 8 (2016)). Following the outcome of the discussions, SC.3 asked the secretariat, in cooperation with European Boating Association (EBA), to prepare updates to the Guidelines to Resolution No. 40 (ECE/TRANS/SC.3/203, para. 83).

3. The Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation (SC.3/WP.3) may wish to consider the draft amendments set out in this document and give recommendations to SC.3. It may also wish to revise the Guidelines to Resolution No. 40 in order to incorporate the proposed updates.

GE.17-07936(E)

Please recycle

II. Draft amendments to the Guidelines to Resolution No. 40

4. Paragraph 13 *substitute by*

13. In order to issue an ICC, Governments must first implement Resolution No. 40. They may then nominate competent authorities and approved bodies which can issue the certificate on their behalf. Implementing Governments are recommended to issue the certificate to their own nationals or residents or to the nationals of any North American country or any country that is not a member of the UNECE. However, Resolution No. 40 is enabling rather than restricting, so implementing Governments may, if they choose, issue an ICC to a national or resident of country which has not implemented Resolution 40.

5. *Add* paragraphs 20 to 25:

"K. Can a country issue the ICC for inland waterways, if it does not apply the European Code for Inland Waterways (CEVNI) and has no CEVNI test?

20. In accordance with para. 3.1 of Resolution No. 40, to obtain the ICC for inland waterways an applicant has to demonstrate sufficient knowledge of CEVNI. The Resolution does not stipulate how the Government must assess the sufficiency of this knowledge. A country that has no national certificate which demonstrates knowledge of CEVNI, can still issue the ICC for inland waterways as long as it establishes that the applicant has sufficient knowledge of CEVNI. This could be achieved using one of the following options:

- develop a CEVNI test for the purpose of issuing the ICC;
- recognize the outcome of the CEVNI test adopted in another country.

L. Can a citizen of a country that has not accepted Resolution No. 40, obtain the ICC?

21. Residents or nationals of any North American country or any country that is not a UNECE member State and has not adopted Resolution No. 40, can obtain the ICC provided they are holders of the implementing Government's national certificate. In order to obtain the ICC, they should:

- take the examination in accordance with Annex 1 to Resolution No. 40 of a country that has adopted Resolution No. 40, or
- take the national qualification of a country that has adopted Resolution No. 40 and then obtain the ICC following Article 1 of Resolution No.40.

22. Residents or nationals of a UNECE member State that has not accepted Resolution No. 40, can obtain the ICC of an implementing Government that has decided to do so, as mentioned in para. 13, provided that they have passed an examination in accordance with Annex 1, Part I, paragraph 2, of Resolution No. 40.

M. Can a citizen of a country that has not accepted Resolution No. 40, transfer his national certificate to the ICC?

23. A national certificate of a country that has not accepted Resolution No. 40 cannot be transferred to an ICC.

N. What is the definition of coastal waters in Resolution No. 40?

24. Resolution 40 does not define coastal waters. It refers to coastal waters and inland waters which are intended to be mutually exclusive.

25. The ICC was never intended to replace national certificates and was not intended for use within the territorial and internal waters of the vessel's flag state. The ICC is intended to facilitate the movement of recreational craft through the internal and territorial waters of countries other than the vessel's flag state. Outside internal and territorial waters (at the most 12 nautical miles from the baseline of the coastal state), the jurisdiction is that of the flag state in accordance with the 1982 United Nations Convention on the Law of the Sea.